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## ROANOKE CITY COUNCIL-REGULAR SESSION

November 21, 2011

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, November 21, 2011, at 2:00 p.m., in the Council Chamber, Room 450, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor David A. Bowers presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 39150-070511 adopted by the Council on Tuesday, July 5, 2011.

PRESENT: Council Members Raphael E. Ferris, Sherman P. Lea, Anita J. Price, Court G. Rosen, David B. Trinkle, William D. Bestpitch and Mayor David A. Bowers-7.

ABSENT: None-0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Christopher P. Morrill, City Manager; William M. Hackworth, City Attorney; Ann H. Shawver, Director of Finance; and Stephanie M. Moon, City Clerk.

The Invocation was delivered by Reverend Kenneth P. Lane, Pastor, Trinity Lutheran Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Bowers.

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGMENT-DECEASED PERSONS: Inasmuch as one of the daughters of the late Seth Williamson was not present, Mayor Bowers stated that the presentation memorializing Mr. Williamson would be deferred pending her arrival.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that City Council sets this time as a priority for citizens to be heard. All matters would be referred to the City Manager for response, recommendation or report to Council, as he may deem appropriate.

Robert Gravely appeared before the Council and spoke about the need for growth in the City of Roanoke.

## CONSENT AGENDA:

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately. He called attention to three requests for a Closed Meeting; one being by Council Member Price and two by the City Manager.

**CITY COUNCIL-PERSONNEL COMMITTEE:** A communication from Council Member Price, Chair, Roanoke City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss a personnel matter, being the appointment of a City Attorney, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

(See communication on file in the City Clerk's Office.)

Vice-Mayor Trinkle moved that Council concur in the request of Council Member Price as above described. The motion was seconded by Council Members Rosen and Lea and adopted by the following vote:

**AYES:** Council Members Ferris, Lea, Price, Rosen, Trinkle, Bestpitch, and Mayor Bowers-7.

**NAYS:** None-0.

**CITY COUNCIL-CITY MANAGER:** A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the disposition of publicly-owned property being Huff Lane School located at 4412 Huff Lane, N. W., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

(See communication on file in the City Clerk's Office.)

Vice-Mayor Trinkle moved that Council concur in the request of the City Manager as above described. The motion was seconded by Council Members Rosen and Lea and adopted by the following vote:

**AYES:** Council Members Ferris, Lea, Price, Rosen, Trinkle, Bestpitch, and Mayor Bowers-7.

**NAYS:** None-0.

**CITY COUNCIL-CITY MANAGER:** A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the disposition of publicly-owned property being portions of the Market Garage located at 25 Church Avenue, S. E., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

(See communication on file in the City Clerk's Office.)

Vice-Mayor Trinkle moved that Council concur in the request of the City Manager as above described. The motion was seconded by Council Members Rosen and Lea and adopted by the following vote:

**AYES:** Council Members Ferris, Lea, Price, Rosen, Trinkle, Bestpitch, and Mayor Bowers-7.

**NAYS:** None-0.

**ELECTORAL BOARD-ELECTIONS:** A communication from F. Gordon Hancock, Secretary, Roanoke City Electoral Board, transmitting an Abstract of Votes cast in the General Election held in the City of Roanoke on Tuesday, November 8, 2011, was before the body.

(See communication on file in the City Clerk's Office.)

Vice-Mayor Trinkle moved that the request be received and filed. The motion was seconded by Council Members Rosen and Lea adopted by the following vote:

**AYES:** Council Members Ferris, Lea, Price, Rosen, Trinkle, Bestpitch, and Mayor Bowers-7.

**NAYS:** None-0.

**OATHS OF OFFICE-ECONOMIC DEVELOPMENT AUTHORITY:** Report of qualification of Linda D. Frith as a Director of the Economic Development Authority for a term of office ending October 20, 2015 was before the Council.

(See Oath or Affirmation of Office on file in the City Clerk's Office.)

Vice-Mayor Trinkle moved that the reports of qualification be received and filed. The motion was seconded by Council Members Rosen and Lea and adopted by the following vote:

AYES: Council Members Ferris, Lea, Price, Rosen, Trinkle, Bestpitch, and Mayor Bowers-7.

NAYS: None-0.

#### REGULAR AGENDA:

#### PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-DECEASED PERSONS: Having previously deferred the matter of memorializing the late Seth Williamson, and without objection by the Council, Mayor Bowers stated that the matter would be taken from the table.

Vice-Mayor Trinkle offered the following resolution expressing City Council's deepest regret and sorrow at the passing of Seth Williamson, a longtime announcer at WVTF Public Radio:

(#39256-112111) A RESOLUTION memorializing the late Joseph Seth Williamson II, longtime announcer at WVTF Public Radio in Roanoke.

(For full text of resolution, see Resolution Book No. 75, page 178.)

Vice-Mayor Trinkle moved the adoption of Resolution No. 39256-112111. The motion was seconded by Council Member Ferris and adopted by the following vote:

AYES: Council Members Ferris, Lea, Price, Rosen, Trinkle, Bestpitch, and Mayor Bowers-7.

NAYS: None-0.

Mayor Bowers presented ceremonial copies of Resolution No. 39256-112111 to Mr. Williamson's daughters Deidre W. Jain and Emily Ruth Williamson, and Susan Sanders, Mr. Williamson's girlfriend, and Glenn Gleixner, General Manager, WVTF, and Lisa Gleixner, Mr. Gleixner's wife.

PUBLIC HEARINGS: NONE.

## PETITIONS AND COMMUNICATIONS:

URANIUM MINING: Council Member Court G. Rosen submitted a communication requesting that the Council adopt a resolution in opposition of lifting the moratorium on uranium mining in Virginia.

(For full text, see communication on file in the City Clerk's Office.)

Council Member Rosen offered the following resolution:

(#39257-112111) A RESOLUTION supporting the ban on uranium mining in Virginia.

(For full text of resolution, see Resolution Book No. 75, page 180.)

Council Member Rosen moved the adoption of Resolution No. 39257-112111. The motion was seconded by Vice-Mayor Trinkle.

Council Member Rosen expressed appreciation to Dr. M. Rupert Cutler for bringing the issue to his attention, adding that matter has also been an issue with the Virginia Municipal League of which the City of Roanoke and other jurisdictions in the Roanoke Valley are members. He continued that until uranium mining could be proven 100 percent fail safe, he would encourage the Virginia Municipal League and area legislators to support the moratorium.

Dr. M. Rupert Cutler appeared before the Council and read a prepared statement and distributed supporting documentation by the Southern Environmental Law Center in Charlottesville and the Piedmont Environmental Council of Virginia. He also distributed information on the impacts of the proposed uranium mining, milling, and waste tailings dumping that had been prepared by the City of Virginia Beach.

(For full text, see statements and copy of map on file in the City Clerk's Office.)

During a portion of the discussion, Council Member Ferris inquired whether or not the study being prepared for the General Assembly referenced the American Academy of Science, National Academy of Science and the National Research Council were one in the same; whereupon, Dr. Cutler replied that the organizations were located in the same building in Washington D.C.

Council Member Ferris thought that Virginia Uranium, Inc., was funding the study, which was asked for by the General Assembly; and inquired whether the study was one sided and asked who was paying for it? In addition, he questioned if the Council should wait until the General Assembly received the study before taking any type of formal action.

In response to Council Member Ferris' inquiry, Council Member Rosen confirmed that the \$1.4 million study was being privately funded by the Virginia Uranium, Inc., at the request of the General Assembly.

Based upon ensuing dialogue, it was determined that action by Council should take place prior to the convening of General Assembly Session in January 2012, noting that the benefit of the City acting earlier was for the purpose of taking a leadership role in context to communities affected by the project.

Council Member Ferris pointed out that his biggest issue with the resolution, as drafted, was it contained limited language, and he wondered if further discussion was warranted.

In response to Council Member Price's question concerning the urgency of taking action on the matter, Dr. Cutler explained that City Council could take a passive or an active posture, clarifying that a passive posture would be to say the Virginia Municipal League (VML) already has something in place and because the City of Roanoke is a member, the matter has been taken care of. He continued that Virginia Uranium was taking people to France and Canada, making campaign contributions and working hard behind the scenes to get momentum in support of eliminating the ban on uranium mining. Inasmuch as there would be a lot of activity on behalf of the private, for-profit company that wanted to mine the uranium, he stressed the importance of starting early to protect the public health of citizens.

Council Member Bestpitch remarked that Virginia Uranium was using the name "Virginia" when the ownership was not only outside of Virginia, but outside of the United States of America; and wondered why the Company was persistent in getting the moratorium lifted and there being such an urgency to begin this uranium mining operation as soon as possible; whereupon, Freeda Cathcart, Founder of Mothers United Against Uranium Mining (MUAUM), a network to connect various groups working to prevent uranium mining in areas where the public's health and economic prosperity would be adversely affected, stated that the price of uranium was currently high, and that Germany, which is a world economic leader, had decided to go nuclear free.

Brenda Hale, President, Roanoke Branch NAACP, appeared before the Council and transmitted a copy of a Resolution adopted at the NAACP Virginia State Conference opposing lifting the ban on uranium mining in the Commonwealth of Virginia because it poses an environmental threat to the Roanoke River Basin and to citizens of Virginia and North Carolina.

(See copy of resolution on file in the City Clerk's Office.)

Following extensive dialogue, Council Member Bestpitch advised that the point had been very well made that even if the study is released in December, the Council would need a considerable period of time to review and really vet the conclusions of the study before the moratorium is lifted; therefore, he suggested that language from the VML resolution be added at the end of Paragraph Number 1 on the second page of the proposed resolution, and read as follows: "Council opposes lifting the moratorium on uranium mining in Virginia, until studies demonstrate that it's safe for the environment and health of citizens".

Council Member Ferris offered a friendly amendment that the resolution be amended stating "Council opposes lifting the moratorium on uranium mining in Virginia in the 2012 Session of the General Assembly until after the National Academy of Science (NAS) study has been fully vetted by the public", which was essentially the same as Council Member Bestpitch's suggestion, except it limited it to the next Session of the General Assembly; and also because he was of the opinion that the current makeup of the General Assembly would rush to the aid of Virginia Uranium and lift the moratorium in the 2012 Session.

There being no objection, Council Member Rosen, the maker of the motion, and Vice-Mayor Trinkle, the maker of the second agreed with the friendly amendment offered by Council Member Ferris.

Further discussion ensued, Council Member Lea voiced his opposition to the friendly amendment, emphasizing that there were enough facts and there was no 100 percent surety period. In addition, he supported adopting the resolution as drafted, adding that it was important to reassure the residents of Pittsylvania County and Chatham, Virginia, that they did not have to worry about uranium mining in their jurisdictions. He also felt that the Council not only needed to be clear with the General Assembly, but needed to be a leader and say "no" to lifting the ban on uranium mining, not wait for the study.

Following additional comments, Dr. Cutler stressed that the ban not be lifted in the 2012 Session of the General Assembly, but asked that the remaining language requested to be included in the resolution "when the public is finished vetting it" not be used.

There being ongoing discussion of the matter, Council Member Rosen called for the question; whereupon, amended Resolution No. 39257-112111 as follows stating that the Council opposes lifting the moratorium on uranium mining in Virginia in the 2012 Session of the General Assembly was adopted by the following vote:

AYES: Council Members Ferris, Price, Rosen, Trinkle, Bestpitch, and Mayor Bowers-6.

NAYS: Council Member Lea-1.

GRANTS-BUDGET-SHERIFF: Octavia L. Johnson, City Sheriff, submitted a written communication recommending acceptance and appropriation of funds in connection with the State Criminal Alien Assistance Program (SCAAP) Reimbursement Grant; and the City Manager submitted a communication recommending that Council concur in the request of the Sheriff.

(For full text, see communications on file in the City Clerk's Office.)

Council Member Bestpitch offered the following resolution:

(#39258-112111) A RESOLUTION accepting the State Criminal Alien Assistance Program (SCAAP) grant from the Bureau of Justice Assistance-Office of Justice Programs, and authorizing execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 75, page 181.)

Council Member Bestpitch moved the adoption of Resolution No. 39258-112111. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Ferris, Lea, Price, Rosen, Trinkle, Bestpitch, and Mayor Bowers-7.

NAYS: None-0.

Council Member Bestpitch offered the following budget ordinance:

(#39259-112111) AN ORDINANCE to appropriate funding from the Federal government for the State Criminal Alien Assistance Program (SCAAP), amending and reordaining certain sections of the 2011-2012 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 75, page 182.)

Council Member Bestpitch moved the adoption of Budget Ordinance No. 39259-112111. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Ferris, Lea, Price, Rosen, Trinkle, Bestpitch, and Mayor Bowers-7.

NAYS: None-0.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

GRANTS-BUDGET-FIRE/EMS DEPARTMENT: The City Manager submitted a written communication recommending acceptance and appropriation of funds for a grant from the Virginia Department of Fire Programs for use by the Roanoke Fire-EMS Department.

(For full text, see communication on file in the City Clerk's Office.)

Council Member Bestpitch offered the following resolution:

(#39260-112111) A RESOLUTION authorizing acceptance of the FY2012 Fire Programs Funds Grant made to the City of Roanoke by the Virginia Department of Fire Programs, and authorizing execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 75, page 183.)

Council Member Bestpitch moved the adoption of Resolution No. 39260-112111. The motion was seconded by Council Member Ferris and adopted by the following vote:

AYES: Council Members Ferris, Lea, Price, Rosen, Trinkle, Bestpitch, and Mayor Bowers-7.

NAYS: None-0.

Council Member Bestpitch offered the following budget ordinance:

(#39261-112111) AN ORDINANCE appropriating funding from the Commonwealth of Virginia Department of Fire Programs, amending and reordaining certain sections of the 2011-2012 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 75, page 184.)

Council Member Bestpitch moved the adoption of Budget Ordinance No. 39261-112111. The motion was seconded by Council Member Ferris and adopted by the following vote:

AYES: Council Members Ferris, Lea, Price, Rosen, Trinkle, Bestpitch, and Mayor Bowers-7.

NAYS: None-0.

#### COMMENTS BY CITY MANAGER:

The City Manager commented on the following items:

- City of Roanoke received an award from the Public Relations Society of America-Blue Ridge Chapter for its "Eat for Education" Campaign. The campaign exceeded expectations and continues to grow at a fast rate.
- Dickens of a Christmas Annual Downtown Event Kick Off will be Friday, December 2, 2011, with the Christmas Tree Lighting and Christmas Parade on Friday, December 9, 2011.
- Leaf collection will be the weeks of November 28 and December 12, 2011 and residents should put their leaves out at the same time as their paper recycling.
- Residents along Interstate 581 between Hershberger and Liberty Roads were encouraged to respond to the letters received from the Virginia Department of Transportation (VDOT) concerning sound barriers in the area. They were reminded that non-responses would be considered a yes for sound barriers. Being a Federal law, it is important for households to respond. The deadline for response is November 23, 2011.

In response to an inquiry from Council Member Price as to how many responses had been received; the City Manager replied that he did not know the answer, but the initial mailing was not very clear. He continued that since a no response would be considered a "yes" vote, VDOT was contacted and a second mailing was sent to the residents.

Council Member Ferris asked if the residents voted against a sound barrier wall, adding that he was told that a different type of pavement would be used to reduce noise; whereupon, the City Manager responded that he did not recall different types of pavement, but there were several different types of walls.

#### REPORTS OF COMMITTEES:

**SCHOOLS-BUDGET:** The Roanoke City School Board submitted a written report requesting appropriation of funds for various educational programs; and the Director of Finance submitted a report recommending that Council concur in the request.

(For full text, see reports on file in the City Clerk's Office.)

Vice-Mayor Trinkle offered the following budget ordinance:

(#39262-112111) AN ORDINANCE to appropriate funding from the Federal and Commonwealth governments and local grants for various educational programs, amending and reordaining certain sections of the 2011-2012 School Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 75, page 184.)

Vice-Mayor Trinkle moved the adoption of Budget Ordinance No. 39262-112111. The motion was seconded by Council Member Price and adopted by the following vote:

**AYES:** Council Members Ferris, Lea, Price, Rosen, Trinkle, Bestpitch, and Mayor Bowers-7.

**NAYS:** None-0.

**UNFINISHED BUSINESS:** NONE.

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:** NONE.

**MOTIONS AND MISCELLANEOUS BUSINESS:**

**INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF CITY COUNCIL:**

In honor of Movember, Council Member Ferris stated that he had been growing a mustache during the month of November which is intended to remind men to schedule an appointment with their doctor for an annual physical.

Council Member Bestpitch attended a potluck dinner on November 10 at the WDBJ Channel 7 studios where approximately 100 people from neighborhood organizations throughout the City gathered to discuss ways to make their neighborhoods better; and Police Chief Christopher Perkins shared information about the new drug market initiative that the Police Department had initiated and there were others in attendance who gave reports from state and national conventions of Neighborhood U.S.A.

At 3:50 p.m., the Mayor declared the meeting in recess for a Closed Meeting in the Council's Conference Room, Room 451, fourth floor, Noel C. Taylor Municipal Building.

At 5:13 p.m., the Council meeting reconvened in the Council Chamber, Mayor Bowers presiding and all Members of the Council in attendance, with the exception of Vice-Mayor Trinkle who left during the Closed meeting.

COUNCIL: With respect to the Closed Meeting just concluded Council Member Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Ferris and adopted by the following vote:

AYES: Council Members Ferris, Lea, Price, Rosen, Bestpitch, and Mayor Bowers-6.

NAYS: None-0.

(Vice-Mayor Trinkle was absent.)

At 5:14 p.m., the Mayor declared the Council meeting in recess until 7:00 p.m., in the Council Chamber, Room 450, fourth floor, Noel C. Taylor Municipal Building.

At 7:00 p.m., the Council meeting reconvened in the Council Chamber, Room 450, fourth floor, Noel C. Taylor Municipal Building, with Vice-Mayor David B. Trinkle presiding.

PRESENT: Council Members Raphael E. Ferris, Sherman P. Lea, Anita J. Price, Court G. Rosen, William D. Bestpitch, and Vice-Mayor David B. Trinkle -6.

ABSENT: Mayor David A. Bowers-1.

The Vice-Mayor declared the existence of a quorum.

OFFICERS PRESENT: Christopher P. Morrill, City Manager; William M. Hackworth, City Attorney; Ann H. Shawver, Director of Finance; and Stephanie M. Moon, City Clerk.

The Invocation was delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Trinkle.

Inasmuch as Council Member Price needed to leave the Council Meeting prior to 7:30 p.m., the Vice-Mayor announced that the Council would conduct the two public hearing requests of the City Manager first.

#### PUBLIC HEARINGS:

EASEMENTS-CITY PROPERTY-SALE/PURCHASE OF PROPERTY: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, November 21, 2011 at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to convey a 3.0 acre portion of City-owned property bearing Tax Map No. 4130501 along with a 20 foot wide ingress and egress across the remaining portion of Roanoke City Tax Map No. 4130501, being a portion of the former Buena Vista Center, to Scott and Ascension Horchler, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, November 11, 2011.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a written report recommending authorization to execute a Deed, subject to approval as to form by the City Attorney, to transfer three acres and the former Buena Vista Center to Scott and Ascension Horchler for \$30,000.00, upon certain terms and conditions, and as more particularly stated in the City Manager's report to the Council dated November 21, 2011

(For full text, see report on file in the City Clerk's Office.)

Council Member Ferris offered the following ordinance:

(#39263-112111) AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for the conveyance of a 3.0 acre portion of City-owned property, otherwise known as Buena Vista Center, bearing Official Tax No. 4130501, to Scott and Ascension Horchler, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 75, page 186.)

Council Member Ferris moved the adoption of Ordinance No. 39263-112111. The motion was seconded by Council Member Bestpitch.

The Vice-Mayor inquired if there were persons present who wished to speak on the matter.

Alison Blanton, representative of the Roanoke Valley Preservation Foundation, appeared before the Council in support of the proposed sale of Buena Vista. She stated that the Foundation was of the opinion that the sale of the property to Mr. and Mrs. Horchler was the best option for the valuable historic resource.

There being no other speakers, the Vice-Mayor declared the public hearing closed.

In response to an inquiry about the sale and any restrictions on the property, R. Brian Townsend, Assistant City Manager for Community Development, indicated that the purchasers had agreed to develop and use the property in conformance with the following deed restrictions, which would survive closing:

The property shall be used primarily as a single-family residence, but may be used for other uses as permitted by the zoning of the property.

Any renovations to the property shall be undertaken in conformance with standards appropriate to its status as a national and Virginia historic landmark.

The building on the property known as Buena Vista shall not be demolished or removed, in whole or in part, without the prior approval of Seller.

The property shall not be subdivided or sold in fee other than as a single parcel, without the prior approval of Seller.

In the event that the Purchaser has not commenced renovations to the property, in an amount of at least \$100,000.00, within 12 months of closing, Seller shall have the right to demand that the Purchaser convey the property back to Seller. In such event, the Purchaser shall deed the property back to the Seller free and clear of all liens and Seller shall return the purchase price to Purchaser. In such event, Seller shall be entitled to a deduction for reasonable rent for the time that Purchaser owned the property, and a deduction for any damages that may have been caused to the property. Utilities and taxes shall be prorated as of the date of the re-conveyance of the property to Seller.

There being no other questions and/or comments by the Council Members, Ordinance No. 39263-112111 was adopted by the following vote:

AYES: Council Members Ferris, Lea, Price, Rosen, Bestpitch, and Vice-Mayor Trinkle -6.

NAYS: None-0.

(Mayor Bowers was absent).

**CITY PROPERTY-SALE/PURCHASE OF PROPERTY:** Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, November 21, 2011 at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to enter into a contract conveying three City-owned parcels located at 425 Church Avenue, S. W., designated as Tax Map Nos. 1011206, 1011209, 1011210, which is the site of the former YMCA facility, to 425 Church Avenue, LLC, in order for 425 Church Avenue, LLC, to renovate the existing building resulting in approximately 8,500 square feet of commercial space and approximately 38 rental apartments, subject to certain terms and conditions, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, November 11, 2011.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a written report recommending authorization to execute a Contract for the Purchase and Sale of Real Property, subject to approval as to form by the City Attorney.

(For full text, see report on file in the City Clerk's Office.)

Council Member Rosen offered the following ordinance:

(#39264-112111) AN ORDINANCE authorizing the proper City officials to execute a contract to sell to 425 Church Avenue, LLC, certain City owned property located at 425 Church Avenue, S. W, Roanoke, Virginia, 24016, and identified as Tax Map Nos. 1011206, 1011209, and 1011210, upon certain terms and conditions; authorizing the City Manager to execute such further documents and take such further actions as may be necessary to accomplish the above matters; and dispensing with the second reading by title of this Ordinance.

(For full text of ordinance, see Ordinance Book No. 75, page 187.)

Council Member Rosen moved the adoption of Ordinance No. 39264-112111. The motion was seconded by Council Member Lea.

The Vice-Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

For clarification purposes regarding the current proposal as oppose to the previous offer that had been made on the abovementioned property, the Assistant City Manager for Community Development explained that there had been a similar contract on the property about two years prior with similar requirements that the property be developed in a mixed use configuration with approximately 8,500 square feet of commercial space on the ground floor and approximately 38 rental apartments; and in the previous contract, the City agreed to convey the property for \$10.00, with the developer posting a \$650,000.00 performance security with the City. He continued that the current contract requires the buyer to pay \$225,000.00 for the property and post a \$425,000.00 as a performance security, with the developer being obligated to finance the renovations to the property.

There being no additional questions and/or comments by the Council Members, Ordinance No. 39264-112111 was adopted by the following vote:

AYES: Council Members Ferris, Lea, Price, Rosen, Bestpitch, and Vice-Mayor Trinkle -6.

NAYS: None-0.

(Mayor Bowers was absent).

At this point, Council Member Price left the meeting (7:18 p.m.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 21, 2011, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of 806 Wasena Avenue, LLC (formerly Ice House, LLC), to rezone properties located at 816, 820, 824 and 828 Wasena Avenue, S. W., bearing Official Tax Map Nos. 1130306, 1130305, 1130304, 1130303, from RM-1, Residential Mixed Density, to UF, Urban Flex District, with conditions, for use of the properties as off-site parking, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, November 4 and Friday, November 11, 2011.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Planning Commission submitted a written report recommending approval of the rezoning request, finding the application to rezone the subject property to be consistent with the Zoning Ordinance, *Vision 2001-2020*, and the Wasena Neighborhood Plan.

(For full text, see report on file in the City Clerk's Office.)

Council Member Ferris offered the following ordinance:

(#39265-112111) AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 75, page 188.)

Council Member Ferris moved the adoption of Ordinance No. 39265-112111. The motion was seconded by Council Member Bestpitch.

The Vice-Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

C. Cooper Youell, IV, Attorney, representing the petitioner, appeared before the Council in support of the rezoning.

There being no questions and/or comments by the Council Members, Ordinance No. 39265-112111 was adopted by the following vote:

AYES: Council Members Ferris, Lea, Rosen, Bestpitch, and Vice-Mayor Trinkle -5.

NAYS: None-0.

(Mayor Bowers and Council Member Price were absent).

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 21, 2011, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of D & S Development to rezone properties located at 3008 and 3016 Williamson Road, N. W., 2728 Chatham Street, N. W., and a vacant lot to the West, bearing Official Tax Map Nos. 2070402, 2070403, 2070404 and 2070414, from RMF, Residential Multifamily District, to CG, Commercial-General District, with conditions, for use of the property as is allowed in both the CG, Commercial-General District, and the CN, Commercial-Neighborhood District, including a retail sales establishment, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, November 4 and Friday, November 11, 2011.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Planning Commission submitted a written report recommending approval of the rezoning request, finding the application to rezone the subject property to be consistent with the City's Zoning Ordinance, Comprehensive Plan, and the Williamson Road Area Plan, adding that the proposed use and zoning designation was appropriate considering the site's size and surrounding context; and the applicant had proffered a development plan, elevations and limitations on site lighting and signage that fulfills the City's design principles.

(For full text, see report on file in the City Clerk's Office.)

Council Member Bestpitch offered the following ordinance:

(#39266-112111) AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 75, page 189.)

Council Member Bestpitch moved the adoption of Ordinance No. 39266-112111. The motion was seconded by Council Member Rosen.

The Vice-Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

Paul Brown, P. E., Parker Design Group, representing the petitioner, appeared before the Council in support of the rezoning.

Council Member Rosen questioned if this matter was the same one that had been discussed over the past year and a half with the Council; and Council Member Ferris inquired if Steve Mullins was a partner and if the property in question was where the old City nursing home had been located; whereupon, Mr. Brown answered that it had been the Southern Manor Nursing Home and a Dollar Tree store was being proposed for the property.

Council Member Rosen commended the Planning Department and City staff for working with the developer to help meet time constraints on the project.

There being no additional questions and/or comments by the Council Members, Ordinance No. 39266-112111 was adopted by the following vote:

AYES: Council Members Ferris, Lea, Rosen, Bestpitch, and Vice-Mayor Trinkle -5.

NAYS: None-0.

(Mayor Bowers and Council Member Price were absent).

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 21, 2011, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Iglesia de Dios Pentecostal M. I. to amend Proffered Conditions 1 and 2, as such proffers are set forth in the Zoning Amended Application No. 2, filed on August 19, 2010, and accepted by City Council by the adoption of Ordinance No. 38951-092010, as they pertain to the parcels of land at 3454 Cove Road, N. W., bearing Official Tax Nos. 6440211 and 6440210, such amendment of proffers to allow for an alternative site layout and building design as set forth in the Amendment of Proffered Conditions Amended Application No. 1 dated September 23, 2011. The proposed general usage of the property is a place of worship. The City's Comprehensive Plan designates the property for multifamily residential use, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, November 4 and Friday, November 11, 2011.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Planning Commission submitted a written report recommending approval of the application to amend proffered conditions on the subject property, finding them to be consistent with the City's Zoning Ordinance, *Vision 2007-2020*, and the Peters Creek North Neighborhood Plan; adding that the request maintains the positive design principles of the site layout and building design supported in the initial zoning amendment request.

(For full text, see report on file in the City Clerk's Office.)

Council Member Ferris offered the following ordinance:

(#39267-112111) AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, by amending certain proffers adopted by City Council in Ordinance No. 38951-092010, on September 20, 2010, pertaining to certain property located at 3454 Cove Road, N. W.; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 75, page 191.)

Council Member Ferris moved the adoption of Ordinance No. 39267-112111. The motion was seconded by Council Member Bestpitch.

The Vice-Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Council Members, Ordinance No. 39267-112111 was adopted by the following vote:

AYES: Council Members Ferris, Lea, Rosen, Bestpitch, and Vice-Mayor Trinkle -5.

NAYS: None-0.

(Mayor Bowers and Council Member Price were absent).

TAXES-TRUST HOUSE: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, November 21, 2011 at 7:00 p.m., or as soon thereafter as the matter may be heard, on the question of adoption of an ordinance pursuant to §58.1-3651, Code of Virginia (1950), as amended, approving the request of Roanoke Valley Student Trouble Center, Inc. d/b/a Trust House for designation of its real property as exempt from taxation, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, November 11, 2011.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a written report recommending that Roanoke Valley Student Trouble Center, Inc.'s be exempted from real estate taxation, if the organization agrees to pay the subject service charges on the real estate by January 1, 2012.

(For full text, see report on file in the City Clerk's Office.)

Council Member Lea offered the following ordinance:

(#39268-112111) AN ORDINANCE exempting from real estate property taxation certain property of Roanoke Valley Student Trouble Center, Inc., d/b/a Trust House, located in the City of Roanoke, an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 75, page 192.)

Council Member Lea moved the adoption of Ordinance No. 39268-112111. The motion was seconded by Council Member Rosen.

The Vice-Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Council Members, Ordinance No. 39268-112111 was adopted by the following vote:

AYES: Council Members Ferris, Lea, Rosen, Bestpitch, and Vice-Mayor Trinkle -5.

NAYS: None-0.

(Mayor Bowers and Council Member Price were absent).

**TAXES-GRANDIN THEATRE FOUNDATION, INC., AND SILVER SCREEN LLC:**  
Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, November 21, 2011 at 7:00 p.m., or as soon thereafter as the matter may be heard, on the question of adoption of an ordinance pursuant to §58.1-3651, Code of Virginia (1950), as amended, approving the request of Grandin Theatre Foundation, Inc., and Silver Screen LLC, for designation of its real property, identified as Official Tax No. 1330502 and located at 1310 Grandin Road, S. W. as exempt from taxation, and approving the request of Grandin Theatre Foundation, Inc., for designation of its personal property as exempt from taxation, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, November 11, 2011.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a written report recommending that Grandin Theatre Foundation, Inc., and Silver Screen, LLC, be exempted from real estate and personal property taxation, if the organization agrees to pay the subject service charges on the real estate by January 1, 2012.

(For full text, see report on file in the City Clerk's Office.)

Council Member Rosen offered the following ordinance:

(#39269-112111) AN ORDINANCE exempting from real estate property taxation certain real property, and exempting from personal property taxation certain personal property located in the City of Roanoke owned by Grandin Theatre Foundation, Inc., and Silver Screen, LLC, the former being an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 75, page 194.)

Council Member Rosen moved the adoption of Ordinance No. 39269-112111. The motion was seconded by Council Member Lea.

The Vice-Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Council Members, Ordinance No. 39269-112111 was adopted by the following vote:

AYES: Council Members Ferris, Lea, Rosen, Bestpitch, and Vice-Mayor Trinkle -5.

NAYS: None-0.

(Mayor Bowers and Council Member Price were absent).

HEARING OF CITIZENS UPON PUBLIC MATTERS: NONE.

There being no further business, Vice-Mayor Trinkle declared the Council meeting adjourned at 7:28 p.m.

A P P R O V E D

ATTEST:

Stephanie M. Moon  
City Clerk

David A. Bowers  
Mayor

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